

Membership Balance Plan Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, under the provision of 10 U.S.C. § 7903, the Federal Advisory Committee Act (FACA) of 1972, (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Ocean Research Advisory Panel (hereafter referred to as “the Panel”).
- 2. Mission/Function:** The Panel under the provisions of 10 U.S.C. § 7903 and FACA, shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council (hereafter referred to as “the Council”). The Council operates as the National Ocean Council as directed by Executive Order 13547 and consists of the Secretaries of the Departments and Administrators and Directors of Federal Agencies that have interest in improving the knowledge and understanding of the ocean.
- 3. Points of View:** Under the provisions of 10 U.S.C. § 7903, the Panel shall be comprised of not less than 10 and not more than 18 members comprised of the following:
 - a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views of ocean industries, State governments, academia, and such other views as the Chairman of the Council considers appropriate.
 - e. Members selected from among individuals eminent in the fields of marine science or marine policy, or related fields.

Based upon an agreement among the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be approved by the Secretary of Defense.

The Panel represents all elements of U.S. government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the span of the interest and responsibility includes activities of the government beyond the normal interest of the Department of Defense.

The Department of Defense is required to provide a Panel capable of viewing the complex issues facing the Nation through a multidiscipline advisory committee in order to provide the American public with a broader understanding on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees,

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shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees. Panel members shall be appointed on an annual basis by the Secretary of Defense.

The Panel's membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel by the Council. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

- 4. Other Balance Factors:** Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.
- 5. Candidate Identification Process:** Potential candidates, based on the educational and professional credentials of individuals are identified by an announcement in the Federal Register and discussed with representatives of the Council. After the identification of a field of possible candidates, a screening committee, under the auspices of the Council further narrows the list of potential candidates based on the current needs of the Panel. Once potential candidates are identified, the Chairman of the Council reviews the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near term subject matters that he anticipates will be reviewed by the advisory committee. The Chairman of the Council then nominates a slate of candidates for the Board's membership via the Designated Federal Officer to the Secretary of Defense.

Before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements; for example, compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the Department of Defense.

Following Secretary of Defense or Deputy Secretary of Defense approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Panel and subcommittee member vacancies will be filled in the same manner as described in the previous three paragraphs above.

The Secretary of Defense may approve the appointment of Panel members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

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- 6. Subcommittee Balance:** The Council or the Department of Defense, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, the advisory committee's sponsor, or the Council.

Currently, the Panel has four subcommittees: the Ocean Education Sub-Panel, the Ocean Industry Sub-Panel, the Ocean Observing Sub-Panel, and the Ocean Acidification Task Force.

Subcommittee members are selected by the Secretary of the Navy, and the Secretary of Defense or the Deputy Secretary of Defense shall approve their appointments. These individuals may come from the parent committee or new nominees, as recommended by the advisory committee's sponsor and based upon the matters under consideration. Members of the Education Sub-panel shall be knowledgeable and/or have expertise in one or more of the following areas: formal and informal education, strategic planning with respect to education, and implementation being undertaken by federal partners in ocean research and education. Members of the Industry Sub-panel shall be knowledgeable and/or have expertise in one or more of the following areas: ocean-related infrastructure and technology development, economics, partnerships to increase and apply scientific knowledge, range of ocean uses, and industry-related aspects of ocean observing and lifelong education. Members of the Ocean Observing Sub-panel shall be knowledgeable and/or have expertise in one or more of the following areas: ocean observing technology, data management, and initiatives including federal efforts, the nation's satellite ocean observation initiatives, and education activities and programs related to ocean observing. Members of the Ocean Acidification Task Force shall be knowledgeable and/or have expertise in ocean acidification, including federal ocean acidification activities.

As required by the Panel's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

- 7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
- 8. Prepared:** April 18, 2012